

## Public Law 24-055

### Bill No. 113 (COR)

As amended by the Committee on Rules, Government Reform and Federal Affairs, and as amended on the Floor.

#### Introduced by:

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### AN ACT TO REPEAL AND RE-ENACT §61542 OF PART 5 OF ARTICLE 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE POSTING OF POLITICAL CAMPAIGN SIGNS.

#### BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

**Section 1.** Legislative Findings and Intent. The Guam Legislature finds that the safety of the children of Guam is its highest priority and that practices that may jeopardize this priority should be prohibited. The Guam Legislature further finds that the safety of the children may be comprised by the posting of signs within one hundred (100) feet of a school's entrance. Billboards, signs, posters, banners and other informational postings may obstruct traffic by blocking the view of motorists, including bus drivers, creating an accident laden scenario. The Guam Legislature intends to take a proactive position by prohibiting the posting of billboards, signs, posters, banners and other paraphernalia within one hundred (100) feet of a school's entrance.

**Section 2.** Section 61542 of Part 5 of Article 5 of Chapter 61 of Title 21 of the Guam Code Annotated is repealed and re-enacted to read:

"Section 61542. Regulation of Political Signs. Candidates for public office or other persons having an interest in an election may place political signs which advocate voting for or against candidates, or other matters to be considered by the electorate, on government property in accordance with the following provisions

(a) Definitions.

- (1) "Candidate" means a person seeking public office.
- (2) "Government property" means any tangible or real property held by the government of Guam.
- (3) "Organization" means any political organization or political action group advocating an issue in a special or general election.

- (4) "Political sign" means all billboards, posters, banners or displays which advocate a candidate for political office or any matter to be presented to the electorate for vote.
- (5) "Utility pole" means any pole erected for street lighting, power lines, and cable television lines.
- (b) Permit: Fee; Deposit. Any candidate or organization may apply for a permit to post campaign signs with the Department of Public Works. The Director of Public Works is authorized to charge a non-refundable permit fee of One Hundred Dollars (\$100.00) and a deposit of Two Hundred Dollars (\$200.00), or as increased from time to time by rules and regulations promulgated by the Director of Public Works in accordance with the Administrative Adjudication Law. Such rules and regulations shall provide for procedures governing approval or rejection of permits, manner and location of posting, maintenance of sign and surrounding area, procedures for notification, removal of signs, forfeiture of deposit of any sign found in violation of this Section, and any other rules or regulations necessary to ensure the safety of the public.
- (c) Restrictions on Posting of Political Signs.
  - (1) No political sign may be erected or posted upon the shoulder of any roadway unless it is eight (8) feet from the paved portion of the roadway and in such a manner that would not impede traffic or a driver's visibility, or erected upon any traffic median strip, sidewalk, road, or driveway.
  - (2) No political sign may be erected upon , on or within any government building, or nailed to any tree or attached to any fence on government property.
  - (3) No political sign may be erected or posted within one hundred (100) feet of any entrance to a public school, or upon any public school property, including school fences and gates, except after 6:00 p.m. on the day before the election date.
  - (4) No political sign may be posted upon any utility pole.
  - (5) No political signs may be posted upon any public park within the jurisdiction of the Department of Parks and Recreation, the Department of Public Works, or the village Mayors.
  - (6) No political sign may be erected or posted within one hundred (100) feet of any intersection.
- (d) Period for Posting of Political Signs. Political signs shall not be erected any earlier than ninety (90) days before any special or primary election.
- (e) Size Restriction. No political sign may exceed one hundred ninety-two (192) square feet in gross sign surface area. Any sign which exceeds one hundred ninety-two (192) square feet shall be removed immediately by the Department of Public Works, and all sign materials and any deposit made shall be automatically forfeited to the government of Guam.
- (f) Maintenance of Political Signs. It shall be the responsibility of every candidate or organization to maintain their sign in a manner which does not impede the safety of the public, and which complies with applicable rules and regulations as adopted by the Department of Public Works. Failure of a candidate or any organization to maintain campaign signs shall be grounds for forfeiture of any deposit and all sign materials.
- (g) Removal of Signs. Any sign in violation of any of the provisions of Subsections (c), (d), (e) or (f) shall be removed within forty-eight (48) hours by the candidate or organization after notification by the Department of Public Works or a Mayor of the village in which the sign is located. A sign not removed within forty-eight (48) hours of notification may be removed immediately by the Department of Public Works or the village Mayor. Failure to remove any political sign in violation of this Section shall be grounds for forfeiture of any deposit. Every political sign shall be removed no later than fifteen (15) calendar days after the conclusion of any general or special election. Failure to remove

any political sign within fifteen (15) days after the conclusion of any general or special election shall be grounds for forfeiture of any deposit."